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Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS).

2. In my last report, dated 14 December 2001 (S/2001/1211), I indicated that the situation in Guinea-Bissau remained a source of concern and appealed for the resumption of dialogue among political actors on all levels to resolve their differences so that the country could move towards stability and progress.

3. Following the discussion of that report, on 8 January 2002, members of the Council, in a statement to the press, among other things, encouraged President Kumba Yala in his pursuit of the policy of national reconciliation and dialogue, taking into account the established constitutional norms. They also encouraged the Economic Community of West African States (ECOWAS) and leaders of the subregion, as well as the Friends of Guinea-Bissau, to continue playing an active role and redouble their initiatives of good offices for economic and financial assistance, and welcomed the idea of a round-table conference to be organized as soon as the political situation allowed.

4. The present report covers developments since my last report was issued and focuses on the Government's stated commitments to intensify efforts to maintain and build on the democratic gains achieved so far. It also highlights the continuing facilitation role of UNOGBIS in support of these efforts, and activities of other entities of the United Nations system towards the same end.

II. Political developments

5. Since my last report, there has been definite progress in the consolidation of the democratization process. Guinea-Bissau's nascent democratic system has continued to function, with both the Partido da Renovação Social (PRS) of President Yala and the former ruling party, Partido Africano da Indepêndencia da Guiné e Cabo Verde (PAIGC), holding their party congresses, at which they elected new leaders and defined their priorities in preparation for the presidential elections to be held in 2004. As a result, the current Prime Minister, Alhamara N'Tchia Nhasse, was elected by 399 votes out of 567 to succeed President Kumba Yala as the leader of PRS, while an influential businessman, Carlos Gomes Junior, former Vice-President of the National Assembly and former adviser to President Nino Vieira, was elected Chairman of PAIGC by 367 votes out of 600.

6. Another important development was the resumption, on 28 February 2002, of the work of the National Assembly. Among the 12 items on its agenda are the Government's programme of work for 2002, the legislation on the procedures for the forthcoming elections of organs representing the local authorities, to be held in June 2002, the proposed statute for leaders and members of the State structures and the draft law on organizing the courts.

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7. The release on bail, on 13 February 2002, of the former President of the Supreme Court, his Deputy and the Court accountant, who had been dismissed on 10 September 2001 by President Yala's decree, has contributed to dispelling some clouds over the political landscape. Moreover, in response to repeated appeals from UNOGBIS, the authorities gave assurances that the members of the Supreme Court would receive a fair trial.

8. On 8 February, Fernando Gomes, former President of the Human Rights League and current President of the Guinean Socialist Alliance (an opposition political party) together with the League's Vice-President, both of whom had been arrested early in February for alleged embezzlement of funds allocated to the League by a Netherlands foundation, were also released on bail.

9. Finally, two independent press organs, *Correio Guiné-Bissau* and *Gazeta de Noticias*, which had been forced to close in October 2001, received authorization to resume publishing.

10. However, despite the progress made, the new Constitution has not yet been promulgated. More needs to be done to promote dialogue between the legislative and executive branches. Some positive steps have been taken, but the interference of the executive in judicial matters, the inertia of the judiciary, the stifling of the private media and the weakening of the Human Rights League, which has been tarnished by financial scandal and the arrest of its former leaders, still generate concerns.

11. The decision, taken by President Yala on 28 February, to appoint Antonio Sedja Mam, former Deputy Prosecutor, as the new President of the Supreme Court of Justice to replace Justice Mario Lopes, who had passed away four days earlier, has added to these concerns and prompted strong critical reactions from the opposition grouping of 20 parties. Subsequently, President Yala stated that the appointment was provisional, pending the envisaged election of the President of the Supreme Court by the Supreme Council of the Magistrates.

12. Aware of these problems, the new 24-member PRS Cabinet of Prime Minister Nhasse, which took office on 11 December 2001, has expressed its determination to address them and to work towards the country's further stabilization. In its work programme, the Government identified greater national unity, increased inter-ethnic solidarity and social cohesion as very important political goals. It also intends to promote dialogue, political harmony and the development of the social economy, involving all political forces and representatives of civil society. On 13 March 2002, the Prime Minister, in an unprecedented move, summoned the diplomatic community to brief them on the Government's programme. Stressing the Government's commitment to democratic norms and processes, he appealed for the understanding and support of the international community, including the Bretton Woods institutions, needed to alleviate the country's current economic and financial predicament, which, if not addressed, could lead to a "social explosion".

13. At the same time, the Government has begun a campaign to draw the attention of the international community to the huge efforts to be made with regard to development strategies, especially in the fight against poverty, energy transformation, agriculture, fisheries and tourism; infrastructure development; and good governance.

14. On 19 February, the Prime Minister convened a one-day meeting of the Government and the United Nations programmes and agencies to discuss the Government's programme. From 22 to 24 February 2002, in response to an invitation from the Government of Guinea-Bissau, my Representative, together with members of the diplomatic community accredited in Bissau, visited Guinea-Bissau's borders with Senegal and Guinea. The persons participating in that visit noted the crucial need for the international community to embark on the post-conflict development process, for the authorities of Guinea-Bissau to continue to take all necessary measures to eliminate sources of social and political tension, and for efforts to be made to consolidate the nascent democracy in the country.

III. Military and security aspects

15. Security conditions along the border with the Senegalese province of Casamance, where border guards deployed at all border crossings continued to provide security, have improved. The many periodic meetings between the army chiefs of staff of Senegal and Guinea-Bissau and between the commanders of their respective border military zones have contributed to the improved situation.

16. In the area of military cooperation, there has been a significant resumption of multilateral activities, including, in particular, a programme for the restructuring of the armed forces with a view to creating a national army, which has been launched with the assistance of the Institute of Higher Strategic Studies of Portugal.

17. The demining operation is continuing, assisted by Humaid and under the supervision of the Mine Action Centre, an organization responsible for coordinating demining activities. It has received US$ 500,000 in financial support from the Netherlands for all its activities, including awareness-raising. The Centre estimates that Guinea-Bissau should be declared mine-free by 2004. By 31 January 2001, 3,160 mines and explosive devices had been destroyed. Demining operations will intensify in 2002, once a non-governmental organization of Guinea-Bissau, LUTCAM, with 70 demining staff, starts its activities.

18. With regard to the Government's demobilization, reinsertion and reintegration programme, a preliminary list of 2,738 eligible military personnel, including about 60 senior officers, has been completed. The programme, whose cost is estimated at about $20 million, continues to be supported by a multi-donor trust fund administered by the World Bank. Last January, the World Bank noted the progress made by the Government of Guinea-Bissau in the reimbursement of funds that had been diverted from the programme in the first half of 2001. Following an agreement between the Government and the World Bank, signed in 2001, and the announcement by the Government of the Netherlands of a contribution of approximately $2.5 million, Sweden has also made a contribution of $1 million.

19. The maintenance of public security continues to be a major challenge, as the police continue to operate in the absence of operating rules of procedure and a code of conduct. Most of its 4,408 paramilitary members are poorly trained, while the country's two police academies are closed, no technical assistance being received at present in this area. In addition, the lack of appropriate equipment for maintaining law and order and public safety is a serious handicap for the police force, trying to cope with security problems resulting from the proliferation of small arms.

20. To address the small arms problem, the Government decided to set up a national commission to combat the proliferation of small arms and light weapons, with the assistance of the United Nations Development Programme (UNDP), the Netherlands Embassy, UNOGBIS and the Programme for Coordination and Assistance for Security and Development. The Department of Economic and Social Affairs of the Secretariat has been designated as the programme's executing agency.

IV. Human rights

21. During the period under review, UNOGBIS continued to maintain close relations with the different authorities and with civil society in order to observe the human rights situation. With the support of the international community, it has been carrying out training and awareness-raising programmes, particularly on the principle of the independence of the judiciary, and the training of members of the inter-ministerial human rights commission. UNOGBIS has also continued to assist the authorities in introducing a human rights dimension into their efforts to establish a legal framework for counter-terrorism activities. In addition, a human rights section was set up in February 2002 within the Ministry of Justice. It is working closely with UNOGBIS with a view to launching a reform of the judicial system.

22. Particular attention has been given to safeguarding the rights of the 47 military persons arrested following the alleged coup plot on 2 December 2001. They are currently being held without trial in various military barracks and the recent resurrection of the military court, which has not functioned since 1981 and does not have a code of procedure, is prompting serious concerns about respect for the rights of the accused. To verify detention conditions, my Representative visited the detention centres on 20 February 2002 and, following the visit, recommended to the judicial authorities that they do their utmost to ensure that these cases are dealt with in accordance with the laws in force.

23. Considerable progress has been made in the area of refugee rights. In cooperation with the Minister of the Interior, the Office of the United Nations High Commissioner for Refugees (UNHCR) organized a training session for commission members on the protection and promotion of refugee rights. In the specific case of refugees from Casamance, UNHCR carried out a mission which resulted in a census being

taken of 6,500 refugees living in the north of the country. On their part, the authorities have set up a national refugee commission to address the refugee problems.

24. With respect to the promotion of women's rights, UNIFEM-Dakar and UNDP organized, in collaboration with the Government, various seminars on women's leadership in Guinea-Bissau. An awareness-raising campaign aimed at empowering women in all sectors will be continuing.

V. Economic and social aspects

25. Regrettably, the country's economy continues to suffer from cash flow problems in the private sector as well as from disinvestments caused by the recent war. The internal arrears audit programme, which was to have permitted a resurgence of economic activity, has not been implemented owing to difficulties in negotiating the due debt, while the closure of the International Bank of Guinea-Bissau, followed by that of the Banca Totta & Acçores, has further reduced credit-financing opportunities. This situation has severely dampened forecast revenue. Currently, monthly revenues are around $300,000, the lowest level since the end of the war and equivalent to only a third of spending needs.

26. The Government has announced that it intends to embark on the emergency rehabilitation of basic socio-economic infrastructures and the implementation of effective strategies for laying the foundations for sustainable, self-reliant development. The governance development programme, which lasts for one year, the formulation of the medium-term strategic framework for poverty reduction, the national good governance programme and the infrastructure programme all fall under that rubric.

27. In a briefing for members of the diplomatic community, the leader of a review mission of the International Monetary Fund (IMF) that visited Guinea-Bissau during the first half of March 2002 expressed concern about the current economic and financial situation and indicated that the low level of revenue, and an increasing wage and salary bill, was causing the Government to build up arrears. Although serious concerns about financial management remained, discussions were continuing between the Government and IMF on how the Government's economic programme could be brought back on track and be supported by financial assistance from IMF and other donors.

VI. Observations

28. I believe that there has been a slight overall improvement, with respect to the political situation and governance, although certain crucial aspects still cause concern. I applaud the pledges made by the Government of Prime Minister Alhamara N'Tchia Nhasse to promote human rights and the independence of the judiciary. I hope that the Government's commitment will be translated into reality and that appropriate responses will be forthcoming from the international community. After the cycles of violence and paralysis of recent years, there is now real hope that the country, despite its serious difficulties, can move forward.

29. I am gratified to note that the demobilization programme is resuming. I call on the Government of Guinea-Bissau and the international donors to do all in their power to move ahead decisively to implement current demobilization plans and restructure the armed forces. The creation of professional, modern armed forces under democratic civilian control, adequately remunerated and equipped to meet Guinea-Bissau's genuine needs, is essential if lasting stability is to be secured.

30. Given the ravages of war and the extreme poverty afflicting the vast majority of the population, the Government is confronted with three major challenges, namely, to restore confidence among those who voted for change in the post-conflict general elections, to reassure the international community by implementing the necessary economic, financial and social reforms, and to perform the sovereign functions of the State.

31. The depressed state of the economy has led to a severe decline in tax and other revenue. It is impossible for the Government to balance the budget. An urgent need, therefore, is for direct budgetary support to help offset the chronic deficit in the public finances and guarantee the minimum functioning of the State. Such support, which IMF suggests could be of the order of $3 million, would also help to start up the depressed economy. Further massive help is needed to rehabilitate the economic, social and cultural infrastructures; such rehabilitation, in turn, is essential for the effective

relaunching of economic activities. A very high level of technical assistance to support key State institutions will also be necessary.

32. I look forward, therefore, to the convening later this year of the UNDP Round Table Conference on Guinea-Bissau. In the meantime, I wish to encourage all interested states and organizations to increase their bilateral assistance in those areas, and I suggest that a framework for consultation between development partners and the Government should be developed as soon as possible.

33. Given the clear commitment of the Government of Guinea-Bissau to work actively with the international community to improve the situation in the country, I recommend that my future periodic reports to the Council be every six months instead of three, as is currently the practice. In between, the Council would be updated on significant developments.

34. In concluding, I wish to express my deep appreciation of the work of my former Representative in Guinea-Bissau, Samuel C. Nana-Sinkam, who worked tirelessly over a period of four years to promote peace in Guinea-Bissau. My new Representative in Guinea-Bissau, David Stephen, assumed his duties on 1 February 2002.